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July 5, 2022

Honorable Judge Kenneth M. Karas  
United States District Judge  
Southern District New York  
300 Quarropas Street  
White Plains, New York 10601

Re: Trustees of the District Council No. 9 et al. v. Casabella Contracting et al.  
Docket No. 21-cv-8285 (KMK)  
Court Conference: July 7, 2022 @ 11:30 am

Dear Honorable Judge Karas:

This firm represents the Plaintiffs in the above referenced matter. This letter makes reference to the Court Conference scheduled for July 7, 2022 at 11:30 a.m. I write jointly with counsel for the defendants Casabella Contracting of N.Y. Inc. and Frank Pignataro to request a stay of the action. I also write jointly with counsel for defendant Western Surety Company providing the Court with status.

Defendant Casabella Contracting of N.Y. Inc. (hereinafter "Casabella"), on April 25, 2022, filed in the United States Bankruptcy Court in the SDNY a voluntary petition for relief under Chapter 11 of the Bankruptcy Code bearing Docket No. 22-22205 (SHL). Thereafter, defendant Laura Marcela Pignataro, on May 18, 2022, filed in the United States Bankruptcy Court in the SDNY a voluntary petition for relief under Chapter 11 (Subchapter V) of the Bankruptcy Code bearing Docket No. 22-22276 (SHL).

Upon information and belief, due to the bankruptcy proceedings, Defendant Frank Pignataro does not currently have access to Defendant, Casabella's books and records. Furthermore, since the issues concerning the alleged liability of defendant Frank Pignataro, overlap with the issues that form the basis of plaintiffs' claim against defendant Laura Marcela Pignataro, the parties will have difficulty proceeding without potentially violating the bankruptcy stay that is currently in place.

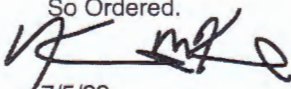
With regards to defendant Western Surety Company, the Parties have settled and are in the process of executing the settlement documents and processing payment. The parties anticipate that this should take no longer thirty (30) days.

Accordingly, the parties respectfully request that the court conference be adjourned sine die, and the action be stayed against defendant Frank Pignataro pending the final outcome of the pending bankruptcy proceedings.

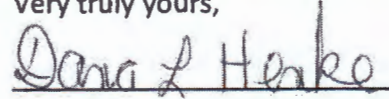
We thank the Court for its consideration to this matter.

Granted. The Parties are to provide status reports every 60 days.

So Ordered.

  
7/5/22

Very truly yours,

  
Dana L. Henke

cc: Pedro Medina, Esq. (counsel for Frank Pignataro)  
John Mastropietro, Esq. (counsel for Western Surety Co.)